

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRAXI, LLC,

Plaintiff,

-against-

CAP CANA, S.A., DEUTSCHE BANK A.G.,
and DEUTSCHE BANK SECURITIES INC.,

Defendants.

ECF Case

Case No. 07 Civ. 9727 (LTS)

ORAL ARGUMENT REQUESTED

**NOTICE OF THE DEUTSCHE BANK DEFENDANTS' MOTION TO DISMISS THE
FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law of the Deutsche Bank Defendants in Support of their Motion to Dismiss the First Amended Complaint and the Declaration of Patrick J. Smith in Support of the Deutsche Bank Defendants' Motion to Dismiss the First Amended Complaint, defendants Deutsche Bank A.G. and Deutsche Bank Securities Inc. (the "Deutsche Bank Defendants") by their attorneys, Thacher Proffitt & Wood LLP, hereby move this Court before the Honorable Laura Taylor Swain in Courtroom 17C of the United States Courthouse, 500 Pearl Street, New York, New York, 10004-1312, on a date to be determined by the Court, for an order dismissing the First Amended Complaint in its entirety, with prejudice, as against them, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

The undersigned certifies that the Deutsche Bank Defendants used their best efforts in attempting to resolve matters informally. On January 22, 2008, counsel for the Deutsche Bank Defendants spoke via telephone with counsel for Praxi setting forth the legal and factual basis for this motion. On January 23, 2008, counsel for the Deutsche Bank Defendants sent a letter to counsel for Praxi outlining the legal and factual basis for the motion that had been conveyed via

telephone the previous day and requesting that Praxi voluntarily dismiss its claims against the Deutsche Bank Defendants. The letter included citations to certain of the cases that the Deutsche Bank Defendants intended to cite in their Memorandum of Law. Counsel for Praxi did not respond to this letter.

Dated: New York, New York
February 7, 2008

THACHER PROFFITT & WOOD LLP

By: /s/ Patrick J. Smith
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